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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,274	07/22/2003	Everett Ogden	O0224.12U	7475

7590 07/09/2004
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EXAMINER


WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,274	Applicant(s) OGDEN, EVERETT	
	Examiner Kimberly T. Wood	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is the an office action for serial number 10/624,274.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 11, and 18 are rejected under 35

U.S.C. 102(b) as being anticipated by Crispeno 5,620,059.

Crispeno discloses a generally L-shaped hanger (2) having a support arm (4) and an adjustment arm (6), a generally U-shaped mounting bracket (16 and 22 make up U-shape) being a pair of legs (24 vertical and 18 vertical) and a transverse member (26 and 20 working as a unit) having a lateral retainer members (42 and 38) and adjustment means (12) being the structural at least one structural component on mounting bracket an at least one on adjustment arm (14 and 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3-7, 12-15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crispeno in view of Feldpausch et al. (Feldpausch) 6,349,911. Crispeno discloses all of the limitations of the claimed invention except for the detent ridges, convex detent members, and the diameter of the detents and spacing between the detent ridge members, the retainer member comprising generally L-shaped extensions. Feldpausch teaches that it is known to have a lateral retainer having a L-shaped extensions (see column 4, lines 38ff, figure 5 and 6), detent ridge members (the raised areas formed by the depressions which are between each depression 42) on mounting bracket (22), convex detents (46) are spaced at regular intervals on adjustment arm (26). Feldpausch also teaches that the spacing between the detents can be increased or decreased in order to optimize the weight capacity allowed on the work surface. It would have been obvious to one having ordinary skill in the art to have modified Crispeno to have the lateral retainer, the detent ridge members, and the convex detents as taught by Feldpausch for the purpose providing a better means of adjusting the mounting bracket relative to the hanger bracket therefore facilitating attachment without the need of unscrewing the screw and nut configuration of Crispeno.

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Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crispeno in view of Feldpausch, as discussed above and in further view of Terzini 6,752,243. Crispeno in view of Feldpausch disclose all of the limitations of the claimed invention except for the retention member being on the support arm. Terzini teaches that it is known to have retention member (60) on a support arm. It would have been obvious to one having ordinary skill in the art to have modified Crispeno in view of Feldpausch to have included the retention member as taught by Terzini for the purpose of preventing the foot from slipping off of the support arm.

Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crispeno in view of Feldpausch, as discussed above and in further view of Terzini 6,752,243 in further view of Cortesi 5,957,819. Crispeno in view of Feldpausch in further view of Terzini disclose all of the limitations of the claimed invention except for the nail apertures on the adjustment arms. Cortesi teaches that it is known to have nailing apertures on the adjustment arm (125) having nailing apertures (figure 12, column 8, lines 49ff). It would have been obvious to one having ordinary skill in the art to have modified Crispeno in view of Feldpausch in further view of Terzini to have included the nailing apertures as taught by

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Cortesi for the purpose of allowing the hanger bracket to be mounted on a vertical surface without the need of the mounting bracket.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

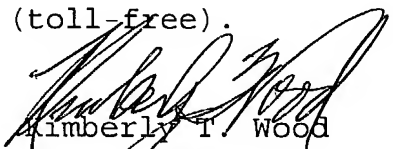
The prior art discloses conventional hanger brackets and mounting brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0538. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kimberly T. Wood
Primary Examiner
Art Unit 3632

June 27, 2004